

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Eleventh Judicial District Court, County of Flathead

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-13-381
-vs-	)	
	)	DECISION
MYRON LLOYD CUNNINGTON,	)	
	)	
Defendant.	)	

On November 25, 2015, the Defendant's suspended sentence was revoked for violation of the conditions and he was sentenced to the following: Count I: Five (5) years to the Montana State Prison, for the offense of Criminal Possession of Dangerous Drugs, a felony, in violation of §45-9-102, MCA; and Count II: Five (5) years to the Montana State Prison, to run consecutively to Count I, for the offense of Criminal Possession of Dangerous Drugs, a felony, in violation of §45-9-102, MCA. It was recommended that the Defendant be considered for placement at Treasure State Boot Camp Program. Defendant was given credit for one hundred eighty-two (182) days served in custody pending final disposition in the matter.

On February 2, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant appeared by Vision Net from the Billings Pre-Release program and was represented by Peter Ohman of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

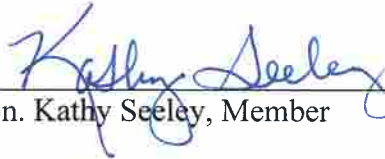
Done in open Court this 2<sup>nd</sup> day of February, 2017.

DATED this 4 day of March, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



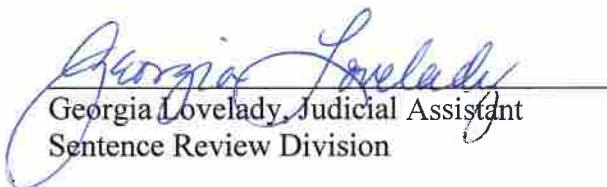
Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 9th day  
of March, 2017, to:

Clerk of District Court (Original)  
Myron Lloyd Cunningham #23088, Defendant (2)  
Hon. Robert Allison  
Brent Getty, Defense Counsel  
John Donovan, Esq  
Board of Pardons and Parole  
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division